

REMARKS

Applicant thanks the Examiner for withdrawing the rejections of record in the December 31, 2003 Office Action.

Applicant still has not received an initialed copy of the PTO-1449 form submitted with the Information Disclosure Statement filed September 19, 2001. Applicant respectfully requests the Examiner to return this document with the next Office Action.

Status of the Application

Claims 1-4 and 14-31 are all the claims pending in the Application. Claims 1-4, 14-22 and 24-30 have been rejected.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 23 and 31 would be allowed if rewritten in independent form. However, Applicant respectfully requests that the Examiner hold in abeyance such rewriting until the Examiner has had an opportunity to reconsider (and withdraw) the prior art rejection of the other claims.

This Action Is Improperly Made "Final"

Applicant respectfully submits that this Action is improperly "Final."

Specifically, MPEP § 706.07(a) indicates that a "second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) ..." (emphasis added).

Here, the Examiner has introduced new grounds of rejection that were not necessitated by Applicant's amendment. Specifically, in the December 31, 2003 Office Action, claim 14 was rejected as being unpatentable over *Anderson et al.* (5,185,041) in view of *Lundquist* (US 4,952,132) and *Pickert et al.* (WO 96/34729). Applicant traversed this rejection, arguing that: (1) there would have been no motivation to combine all of the cited references as the Examiner alleged; and (2) that even a combination of the references would still fail to teach or suggest "washing the fine chips using a circulation flow including a spiral flow," as recited in claim 14. The recitation of the "circulation flow including a spiral flow" was present in claim 14 as filed.

The only amendments to claim 14 were purely cosmetic in nature, and involved the replacement of the terms "crushed plastics" and "fine crushed plastics" with "coarse chips" and "fine chips." This change was intended to improve the readability of claim 14, and it is not believed that this change caused the Examiner to construe this claim any differently (nor should it have).

Accordingly, Applicant respectfully submits that the Examiner's new rejection of claim 14 (as detailed below) was not necessitated by applicant's amendment to claim 14. Rather, Applicant believes that the Examiner simply conceded that Applicant's traversal arguments were correct.

Nor was the Examiner's new rejection of claim 14 based upon information submitted in an information disclosure statement (IDS) during the 37 C.F.R. § 1.97(c) period, as no such IDS was filed.

Thus, Applicant respectfully submits that this is an improper “Final” Office Action, and requests the corresponding withdrawal of the “Finality.”

Anticipation Rejection

The Examiner has rejected claims 1 and 15-17 under 35 U.S.C. § 102(b) as allegedly being anticipated by *Nishibori* (US 5,961,054; hereinafter “*Nishibori*”). This rejection is respectfully traversed.

Nishibori discloses a system for “recycling and granulating [a] waste container” (col. 1, lines 8-9) without using a washing process. *Nishibori* specifically indicates that washing with water is ineffective, environmentally dangerous, expensive and wasteful (col. 2, lines 13-34). Thus, to avoid using a washing step, *Nishibori*’s system: (1) crushes bottle pieces into 15x50 mm pieces; (2) shreds the 15x50 pieces into smaller pieces of 10 mm diameter; and (3) cleans the smaller pieces by using a centrifuge with pins (see FIG. 8), which strips foreign matter from the smaller pieces by impact and acceleration forces.

Nevertheless, the Examiner curiously takes the position that *Nishibori* discloses all of the features recited in independent claim 1, including, *inter alia*, the recited step of “washing the fine chips” (citing col. 14, lines 49-63).

However, as indicated above, *Nishibori* is directed to a system that does not use any washing steps. In fact, the portion of *Nishibori* cited by the Examiner as allegedly disclosing such a washing process is actually directed to a “specific gravity selection process” (col. 14, line 34) that separates different plastics based upon their specific gravity. Such a selection process is not a washing process. In fact, the plastic materials put into the liquid cyclone 10 have already been cleaned and dried (col. 14, lines 40-41).

Thus, Applicant respectfully submits that independent claim 1 is patentable over the applied reference. Further, Applicant respectfully submits that rejected dependent claims 15-17 are allowable, *at least* by virtue of their dependency.

Thus, Applicants respectfully request that the Examiner withdraw this rejection.

Obviousness Rejection

The Examiner has rejected, under 35 U.S.C. § 103(a): (1) claim 2 as being unpatentable over *Nishibori* in view of *Nowicki et al.* (US 4,379,525; hereinafter “*Nowicki*”) and *Lundquist* (US 4,952,132; hereinafter “*Lundquist*”); (2) claims 14, 18-22 and 24-30 as being unpatentable over *Nishibori* in view of *Nowicki*; and (3) claims 3 and 4 as being rejected in view of *Nishibori*, *Nowicki*, *Lundquist* and *VanDeMoere* (US 5,600,391; hereinafter “*VanDeMoere*”). These rejections are respectfully traversed.

The Examiner takes the position that a combination of *Nishibori* and *Nowicki* discloses all of the features recited in independent claim 14.

However, Applicant respectfully submits that one of skill would not have been motivated to modify the references as the Examiner has alleged. As noted above, *Nishibori* teaches directly away from use of a washing step. Thus, Applicant respectfully submits that, at least to the extent that the Examiner alleges *Nowicki* to be directed to such washing, there would have been no motivation for one of skill in the art at the time of the invention to modify *Nishibori* to utilize any washing steps disclosed by *Nowicki*.

Additionally, even if it were possible to modify the references as the Examiner has alleged, Applicants respectfully submit that neither *Nishibori* nor *Nowicki* (nor any reasonable combination thereof) teaches or suggests: (1) “washing the fine chips using a circulation flow including a spiral flow in which interaction between the fine chips helps clean the fine chips without washing agents;” or (2) “feeding the dried fine chips directly to an injection molding machine comprising a nozzle part equipped with a filter and a flow-switching mechanism for cleaning the filter by backwash reverse filtration,” as recited in independent claim 14.

Regarding (1), as discussed above, the cyclone 10 of *Nishibori* does not perform any washing function. Rather, it performs a material selection process. Further, even if the label removal process of *Nowicki* could be considered a washing process, it does not function by use of a spiral flow. Rather, it operates by agitation (col. 4, lines 40-42).

Regarding (2), there is simply no mention in either *Nishibori* or *Nowicki* of any particular injection molding machine, or of a filter or flow-switching mechanism.

Thus, Applicant respectfully submits that independent claim 14 is patentable over the applied references. Further, Applicant respectfully submits that rejected dependent claims 2-4, 18-22 and 24-30 are allowable, *at least* by virtue of their dependency.

Thus, Applicants respectfully request that the Examiner withdraw this rejection.

Response Under 37 C.F.R. § 1.116
U.S. Appln. No.: 09/955,051

Attorney Docket # Q66245

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-4 and 14-31 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-4 and 14-31.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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